

John T. Conway, Chairman
A.J. Eggenberger, Vice Chairman
Joseph J. DiNunno
Herbert John Cecil Kouts
John E. Mansfield

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

625 Indiana Avenue, NW, Suite 700, Washington, D.C. 20004-2901
(202) 208-6400



PRESS RELEASE

DEFENSE NUCLEAR FACILITIES SAFETY BOARD REPORT TO CONGRESS REGARDING EXTERNAL REGULATION OF DEFENSE NUCLEAR FACILITIES

External Regulation of the Department of Energy's (DOE) nuclear defense activities would be costly and potentially have adverse effects on national defense according to a report to the Congress by the Defense Nuclear Facilities Safety Board (Board).

The Board consisting of 5 nuclear safety experts, appointed by the President, and a full-time staff of technically qualified individuals has independent safety oversight responsibility at DOE's defense nuclear sites including the assembly and disassembly of nuclear weapons activities to ensure the health and safety of the public and workers. The report is in response to a requirement by the Congress for the Board to analyze and report on 16 specific items as to the advantages and disadvantages of external regulation of DOE and concludes that:

- Congress made the correct decision in 1988 when it adopted the recommendation of the Senate Committee on Armed Services for national security reasons to maintain responsibility for nuclear safety of Department of Energy defense activities with the Secretary of Energy and to establish the Defense Nuclear Facilities Safety Board as an independent advisory agency and not as a regulator.
- The most serious problem with any external nuclear regulation of DOE's defense program would be a potential for adverse effects on national security. Delay is a commonly encountered consequence of a regulatory process. The Secretaries of Defense and Energy and the Directors of DOE's national laboratories are on record that significant delay in the conduct of DOE's weapons program "could have serious national security implications" including causing other entities to doubt or question the credibility of our nation's nuclear deterrent.
- While we are respectful of the views of those seeking change in the regulatory regime for DOE contractors, the Board believes such action is hardly justified by the costs likely to be incurred for any benefits that might accrue. This is particularly true for defense nuclear facilities because the costs include the real potential for undue intervention and delays that could effectively block interminably the construction and operation of new facilities or the upgrades of existing ones that are needed either for safety reasons or to support the national security mission. The potential for increased vulnerability of defense nuclear facilities to litigious proceedings and extended delays needs to be recognized as a potentially serious cost.

- There is no basis to assert that cost savings or even cost-neutral results are achievable. On the contrary, it is generally recognized that transition to external regulation of DOE nuclear safety will require a cost increase.
- Considerable complications-legal, technical, and fiscal-would accompany any attempt to change the Atomic Energy Act to require DOE defense nuclear facilities to be subject to external nuclear safety regulation.
- DOE's credibility with the public improves when it performs its responsibilities in a safe, efficient, and creditable manner, not when additional government regulatory agencies are layered on it. DOE has made notable progress with regard to cooperation and openness with the public, particularly in the formation and utilization of local citizen advisory boards.

In a November 20, 1998 letter, to the Board, Secretary of Energy Bill Richardson said:

“I understand the Board's position and concerns regarding the external regulation of defense nuclear facilities, and agree that a number of significant issues remain to be resolved before the Department would support such action. Likewise, we agree that much progress has been made during the Board's tenure.”

Former Secretary of Energy Hazel O'Leary proposed that the DOE come under Nuclear Regulatory Commission regulation. In the past, when consideration was given to making the Board a full DOE regulator, the Board opposed the change for the same reasons contained in its report.

The Board's report will be available at www.dnfsb.gov on the Internet effective November 30, 1998.